

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF BEE CAVE
November 27, 2012

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Caroline Murphy, Mayor
Zelda Auslander, Council Member
Bob Dorsett, Jr., Council Member
Steve Braasch, Council Member
Bill Goodwin, Council Member
Jack McCool, Mayor Pro Tem

City Staff:

Frank Salvato, City Administrator
Monty Akers, Attorney
Kaylynn Holloway, City Secretary
Katie Griffin, Director of Finance
Lindsey Withrow, Director of Community Services
Giancarlo Patino, City Engineer
Russell Pancoast, Chief of Police
Stephen Myrick, Building Official
Amy Kelley, Chief Information Officer
Daeric Graeber, Systems Analysis

Call to Order and Announce a Quorum is Present

With a quorum present, the regular meeting of the Bee Cave City Council was called to order by Mayor Murphy at 6:00 p.m. on Tuesday, November 27, 2012 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Citizen Comments

Maureen Appling, 13105 Roundtop Circle, commented that she was concerned about the development of the City and asked the Council to follow the Comprehensive Plan. She also stated that she wanted the Field of Dreams to remain park and open space.

Michelle Williams, 13500 Saddleback Pass, stated that she was concerned about the sign ordinance and the changes that were made to the Shops comprehensive sign package.

George Kennebeck, 13517 Overland Pass, stated that he agreed with the previous two speakers. He commented that the Comprehensive Plan was designed to give guidance and the Council was not following that plan.

Sheila Leech, 5202 High Canyon Pass, commented that she was worried about the development in Bee Cave and the change of ownership of the Field of Dreams. She stated that she wanted to keep the community as it is.

Terri Mitchell, 5400 Great Divide, commented that she was also concerned about the Council not supporting the Comprehensive Plan.

Carroll Killebrew, 5410 Great Divide, stated that he was upset about the last Council Meeting and the way the meeting was conducted. He stated that he did not believe Bee Cave should be a shopping destination but right now it is a developer's haven.

Rob Bush, 13204 Overland Pass, stated that he moved here because of the Master plan in Bee Cave. He asked the Council to create a vision for Highway 71.

Lesli Wood, 13429 Saddleback Pass, commented that she understands the need for development and revenue in the City but wants the Council to follow the Master Plan. She would like to see more links between the park areas and open space.

Eddie Dick, 13440 Saddleback Pass, also encouraged the Council to stay with the Master Plan. He stated that he believed the Field of Dreams was being marketed for a use other than what it is zoned for.

Jeff Rockwood, 5801 Ottenhome Drive, stated that he was not happy with the changes being made in the City. He commented that the Developers come to Council and always get what they want.

Consent Agenda.

- A. Consider approval of minutes of the Regular meeting conducted on October 23, 2012.
- B. Consider approval of monthly financial report and investment reports.

MOTION: A motion was made by Council Member Braasch, seconded by Council Member Dorsett, to approve the minutes of October 23, 2012 as amended.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay:	None
Absent:	None

The motion carried.

MOTION: A motion was made by Council Member Auslander, seconded by Council Member Braasch, to accept the monthly financial report and investment reports.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay:	None
Absent:	None

The motion carried.

Discuss and consider action on a variance request to section 20.04.045 of the Bee Cave Code of Ordinances to allow development of a single family residence in the water quality buffer zone of Little Barton Creek, located at 15728 Hamilton Pool Road in the City's Extraterritorial Jurisdiction.

City Engineer Giancarlo Patino presented this item.

Scott Hanson, applicant for the property, addressed the Council about his potential purchase of the property and the need for the variance. He stated that the Texas Parks and Wildlife indicated that the Water Quality Buffer Zone (WQBZ) is failing to meet its intended purpose due to its current degraded condition. His rehabilitation plan for the property will exceed the purpose of the WQBZ and allow for his family home at the same time.

The City Council had numerous questions about the variance request and the transfer of the deed restrictions. They requested that the applicant dedicate 12,000 square feet of a water quality easement adjacent to the water quality buffer zone in one big section

MOTION: A motion was made by Council Member Braasch, seconded by Council Member Dorsett, to approve the declaration of the deed restrictions and the variance request with the findings that the exception requirements have been met under Section 20.04.045 of the Bee Cave Code of Ordinances and to include the dedication of 12,000 square feet of water quality easement as depicted.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch and Dorsett
Voting Nay:	Goodwin
Absent:	None

The motion carried 4-1.

Executive Session

The City Council closed the Open Session at 7:54 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551.074 – Personnel; and Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

- A. Consultation with Attorney regarding authority of city to enforce building, sign and development ordinances and litigation with AusPro Enterprises, LP.
- B. City Administrator Annual Review.

The City Council closed the Executive Session at 9:53 p.m. and reconvened in Regular Session in the Council Chambers.

Council Members Dorsett and Goodwin left the meeting.

MOTION: A motion was made by Council Member Braasch, seconded by Council Member Auslander, to increase the salary of the City Administrator by 4%.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander and Braasch
Voting Nay:	None
Absent:	Council Members Dorsett and Goodwin

The motion carried 3-0.

Adjournment

MOTION: A motion was made by Council Member Braasch, seconded by Council Member Auslander, to adjourn.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander and Braasch
Voting Nay:	None
Absent:	Council Members Dorsett and Goodwin

The motion carried 3-0.

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The City Council adjourned the meeting at 9:55 p.m.

PASSED AND APPROVED THIS _____ DAY OF _____, 2012.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary